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APPLICATION NO.	FILING DATE.	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,292	06/23/2003	Gabriel Plante		6382

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Mr. Gabriel Plante  
1437 des Erables  
St-Lambert, QC GOS 2WO  
CANADA

EXAMINER

SAVAGE, MATTHEW O

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 02/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/601,292	PLANTE, GABRIEL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Matthew O Savage	1724	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "said inlet" recited in claim 6 must be shown or the feature(s) canceled from the claim(s). It is noted that the drawing includes separate inlets for the hot and cold water as opposed to only one inlet as implied in claim 6. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

Art Unit: 1724

art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 3-5 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification fails to adequately disclose the structure corresponding to the terms "filtration system", "ground water filter", and "separator" recited in claim 3.

The specification fails to adequately disclose the structure corresponding to the term "fading water filter" as recited in claim 4.

The specification fails to adequately disclose an embodiment that directs hot water through "said water inlet" as recited in claim 6. It is noted that the drawing Figure shows separate inlets for hot and cold water as opposed to only one.

The specification fails to adequately disclose the structure of the "sterilizer" recited in claim 6.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear as to how the structure recited in claim 1 can filter water since no filtration structure has been recited in the claim. In addition, "each water inlet" lacks antecedence.

Concerning claim 2, "The waste water", "the shower and tub", "each recuperating drain" lack antecedence.

As to claim 3, "the waste water" and "said recuperating tank" lack antecedent basis. In addition, it is unclear as to what structure "a liquid filtration system", "a ground water filter", and "a separator" imply.

Regarding claim 4, "The recycled water", "said separator", and "the recycled water feeding system" lack antecedent basis. In addition, it is unclear as to what structure "a fading water filter" implies.

Concerning claim 5, "The recycled water" and "said main drain" lack antecedent basis.

As to claim 6, "The recycled water", "said recuperating return line", and "said water inlet" lack antecedent basis. On line 2, it is unclear as to what structure the term "sterilizer" implies. On lines 2-3, it is uncertain as to what structure "pre-heated in turning around a heater tank which is supplied thereby said recuperating line".

Regarding claim 7, "the walls" and "said main drain" lack antecedent basis.

Concerning claim 8, "the surplus" lacks antecedent basis.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 1724

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Olsen.

With respect to claim 5, Olsen discloses recycled water used for flushing a toilet as being directed toward a drain via a main drain and discharged to a sewer (see FIG. 2).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Linn in view of Pollack and Olsen.

With respect to claim 1, Linn discloses a cold water line or domestic water supply 1 (see FIG. 1), each water inlet having a valve 12, a sink, and shower. Lin fails to specify a tub. Pollack discloses that it is known to provide a shower and tub in combination (see FIG.1) and suggests that such an arrangement enables the user to take either a bath or shower. It would have been obvious to have modified the shower of Linn so as to have included a tub as suggested by Pollack in order to enable a user to take either a shower or bath. Linn and Pollack fail to specify the cold water line as being connected to a municipal water supply or an artesian well. Olsen discloses that it is known to connect a cold water line to a municipal water supply or well water supply and

Art Unit: 1724

suggests that such an arrangement is economically feasible in the case that a municipal water supply or well is located near the residence. It would have been obvious to have modified the combination suggested by Linn and Pollack so as to have connected the cold water line to a municipal water supply or artesian well as suggested by Baker in order to provide a supply of water in the case that a municipal water supply or well was located near the residence.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart et al in view of Linn.

With respect to claim 2, Stewart et al disclose sinks 14, a dishwasher 20, a laundry 22, a shower 16, and a tub 30 each having a drain and line connected to a tank 24. Stewart et al fail to specify the valve. Linn suggests that is known to provide a valve 12 in a flow line to control flow to adjacent elements. It would have been obvious to have modified the combination suggested by Stewart et al so as to have included a valve as suggested by Linn in order to control flow to adjacent elements.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leek, Jr. in view of Linn.

With respect to claim 3, Leek, Jr. discloses a pump 53 that moves water out of a tank 35 and line through a filtration system 51, ground water filter 57, separator 73 capable of separating and directing oil through the a main drain 49 leading to a sewer. Linn suggests that is known to provide a valve 12 in a flow line to shut off flow control

Art Unit: 1724

flow to adjacent elements. It would have been obvious to have modified the apparatus of Leek, Jr. so as to have included a valve as suggested by Linn in order to control flow to adjacent elements.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leek, Jr. in view of Olsen and Stewart et al.

With respect to claim 4, Leek, Jr. discloses a second pump 74 and a recycled water line but fails the pump for keeping water pressure through a fading water filter, however, re-locating the filter 61 so as to be on the downstream side of the pump 72 is considered nothing more than an obvious rearrangement of parts (see *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950)). Leek, Jr., also fails to specify the tank, laundry, and toilet. Olsen discloses an analogous system including a tank 13 connected to a toilet and other general household use items of which would obviously include a washing machine (see FIGS. 1 and 2). In addition, Stewart et al discloses the use of recycled water for washing clothes with a washing machine 22. Olsen and Stewart et al suggest that such arrangements enable the utilization of the recycled water for flushing a toilet and washing clothes. It would have been obvious to have modified the apparatus of Leek, Jr. so as to have included the tank, toilet, and laundry/washing machine in order to enable the flushing of a toilet and washing of clothes with the recycled water.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen in view of Stewart et al, Linn, Pollack, and Hartman.

With respect to claim 6, Olsen discloses a return line (e.g., the make-up line in FIG. 2), a heater tank, and a hot water line connected for household use. Olsen fails to specify the recited a sink, shower, tub, and dishwasher, however, such elements are known household use items and are disclosed by Stewart et al. In addition, Stewart et al disclose the recited sterilizer 89. Olsen and Stewart et al fail to specify the valves, however, such an arrangement is clearly suggested by Linn and Pollack and would have been obviously employed in order to control the flow of heated water. Olsen, Stewart et al, Linn, and Pollack fail to specify the booster. Hartman discloses that it is know to use a booster to raise the water for dishwashing (see FIG. 8 and lines 48-51 of col. 11) and suggests that such an arrangement maintains the water at a proper temperature for washing dishes. It would have been obvious to have modified the combination suggested by Olsen, Stewart et al, Linn, and Pollack so as to have included a booster as suggested by Hartman in order to maintain the water at a proper temperature for washing dishes.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart et al in view of Linn as applied to claim 2 above, and further in view of Bateman.

Regarding claim 7, Stewart et al disclose a conduit 160 with a valve 158 enabling cleaning of the tank 24 and discharging wastes to a sewer via line 34. Stewart et al and Linn fail to specify the recited cap. Bateman discloses the concept of providing a tank with a threaded cap 30 and suggests that such an arrangement facilitates cleaning of the tank. It would have been obvious to modified the tank of Stewart et al so as to have

included a threaded cap as suggested by Bateman in order to facilitate cleaning of the tank.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart et al in view of Linn as applied to claim 2 above, and further in view Olsen.

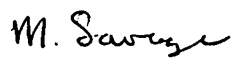
Concerning claim 8, Stewart et al and Linn fail to specify an overflow line. Olsen discloses an overflow line (see FIG. 1) and suggest that such an arrangement prevents backup of the domestic drain system. It would have been obvious to have modified the system suggested by Stewart et al and Linn so as to have included the overflow as suggested by Olsen in order to prevent backup of the domestic drain system.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew O Savage whose telephone number is (571) 272-1146. The examiner can normally be reached on Monday-Friday, 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Matthew O Savage  
Primary Examiner  
Art Unit 1724

mos  
January 28, 2005